

REMARKS

Upon entry of the present Amendment the Claims under consideration are 10-15, 17 and 18. Claims 1-9, 16 and 19-21 have been withdrawn as directed to a nonelected embodiment. Claim 10 has been amended to more particularly point out in the limitations of the Claim which layer of the laminate is perforated and which layer of the laminate is not perforated. Applicant has amended the Title and the Abstract of the Disclosure to more particularly point to the method aspects of the present invention as suggested by the Examiner. No new matter has been added hereby. The Detailed Action of 23 October 2003 will now be addressed with reference to the headings and any paragraph numbers therein.

Election/Restrictions

Applicant previously provisionally elected the Claims of Group II with traverse. Applicant again traverses the restriction requirement. According to paragraph 2 of the Detailed Action, the restriction is proper because an alternative method of making the product claimed in Group I is available, namely, to: send "the non-woven web and the elastic film through nip rollers where the roller against the elastic is heated, causing the film to become tacky and stick to the non-woven web." Applicant respectfully submits that the Examiner has not set forth an alternative means of making the claimed product, but has merely described one method of bonding the laminate layers. The bonding of the laminate layers is required by Claim 10, the independent Claim of Group II. Therefore, it is respectfully requested that the restriction requirement be withdrawn and all Claims accordingly be examined.

BEST AVAILABLE COPY

Serial No.: 10/034,353

KC-16291

Specification

Per paragraph 4 of the Detailed Action, the Abstract is objected to because it does not refer to the method claims. Applicant has amended the Abstract to obviate the present objection.

Per paragraph 5 of the Detailed Action, the Title is objected to because it does not refer to the method claims. Applicant has amended the Title to obviate the present objection.

Claim Rejections -35 USC §102

Per paragraph 7 of the Detailed Action, Claims 10-14, 17 and 18, stand as obvious over Meece et al. (US Application 2002/0022424, hereinafter “Meece”).

Generally, Meece teaches an elastic laminate having at least one layer of a nonwoven web of “multipolymer fibers” and an elastic component. The nonwoven layers of Meece are not taught as perforated. The elastic component of Meece, when described as a film as at para. 0089, can be perforated or non-perforated. However, the elastic component of Meece is not the nonwoven component of its laminate. Applicant further notes from the context of para. 0089, that it is clear that the perforations of the elastic film are provided for the breathability of the laminate and are not discussed in the context of improved extension of the laminate.

Claim 10 of the present invention requires (as underlined for emphasis):

10. A method of making a high-stretch elastic laminate of a necked nonwoven web and an elastic film substantially devoid of perforations, comprising:

- necking a nonwoven web
- placing a plurality of perforations in the nonwoven web; and
- bonding an elastic film substantially devoid of perforations to the necked and perforated nonwoven web.

BEST AVAILABLE COPY

Serial No.: 10/034,353

KC-16291

The Detailed Action evidences a misunderstanding of the art and of the claimed invention by characterizing the elastic film layer of Meece as a nonwoven layer analogous to the present invention. The nonwoven layers of the present invention are, by definition, fabrics or webs of interlaid fibers (page 7, line 18).

Thus, the Detailed Action's characterization of Meece as teaching that "webs 20 can be pre-perforated (para 0089, L1-4)." is in error. The nonwoven web layers of Meece are not taught as perforated in any form, and thus do not anticipate the present invention as set forth in Claim 10, from which all other Claims presently under consideration depend.

Specifically with respect to the rejection of Claim 17, it is further noted that the Detailed Action's characterization of Meece as teaching the use of block copolymers for webs 20 (para. 0052) is unavailing to the rejection of the present invention because Claim 17 is directed to the elastic film component of the laminate and requires elastic block copolymers. Thus, the cited teaching of Meece related to the nonwoven layers is inapposite.

Claim Rejections -35 USC §103

Per paragraph 9 of the Detailed Action, Claim 15 stands as obvious over Meece. It is the contention of the Detailed Action that the selection of order for the claimed steps is obvious even though "Meece does not teach the necking of its nonwoven webs before perforating."

Per the above discussion, Applicant respectfully reiterates that Meece does not teach perforating its nonwoven layers at all. Claim 15, as dependent from Claim 10 is therefore believed to be allowable over the teachings of Meece.

BEST AVAILABLE

Serial No.: 10/034,353

KC-16291

For all the foregoing reasons, the Claims as presently amended are believed to be allowable over the art of record. A notice to that effect is earnestly solicited.

The Examiner is invited to call Applicant's undersigned attorney should the Examiner feel that any issues remain after entry of the present amendment.

Favorable consideration is requested.

Respectfully submitted,


Roland W. Norris
Registration No. 32,799

Pauley Petersen & Erickson
2800 West Higgins Road; Suite 365
Hoffman Estates, Illinois 60195
TEL (847) 490-1400
FAX (847) 490-1403
rnorris@ppelaw.com